

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE STATE OF ALASKA, DIVISION OF GOVERNMENTAL COORDINATION

AND

THE FEDERAL AVIATION ADMINISTRATION

The Division of Governmental Coordination (DGC), Office of the Governor, State of Alaska and the Federal Aviation Administration (FAA), U.S. Department of Transportation wish to establish a more efficient procedure for activities subject to consistency review under the Alaska Coastal Management Program (ACMP).

It is Mutually Agreed That,

- 1) The FAA and DGC have a mutual interest in assuring that proposed activities are consistent and compatible with state, regional, local, and FAA plans and programs. FAA and DGC agree that the activities in Addendum 1 have no significant effect on coastal resources, are consistent with state and local coastal management programs, and do not need an ACMP consistency determination.
- 2) All other activities not referenced in Addendum 1 will be subject to ACMP consistency review procedures [for example, activities requiring permits in fish-bearing waters, in State legislatively designated Special Areas (AS 16.20), and on State-owned tidelands].
- 3) Nothing herein shall be construed as obligating the FAA or the DGC to violate existing laws or regulations. Direct contacts between the FAA and other state resource agencies and local coastal districts are in no way limited by this agreement. Such contacts are strongly encouraged to promote more effective communication, coordination, and to ensure that all state and local permitting requirements are met.
- 4) The adequacy of this agreement shall be assessed on an as needed basis, at the request of either party.
- 5) This Memorandum of Understanding (MOU) will become

effective on the date of signature. The MOU shall remain in effect until mutually revised in writing or until 30 days after notice of termination by either party.

THIS AGREEMENT WAS REVIEWED AND REAFFIRMED BY THE PARTIES SHOWN BELOW:

Paul C. Rusanowski, Ph.D.
Director
Division of Governmental
Coordination
Office of the Governor
State of Alaska

Andrew S. Billick
Manager
Airways Facilities Division
Federal Aviation
Administration
U.S. Dept. of Transportation

BY: _____

BY: _____

DATE: _____

DATE: _____

G. Laurine Hill
Manager
Real Estate and Utilities
Branch
Federal Aviation
Administration
U.S. Dept of Transportation

BY: _____

DATE: _____

ADDENDUM 1

The FAA and the DGC agree that the activities listed below have no significant effect on coastal resources, are consistent with state and local coastal management programs, and do not need an ACMP consistency determination. Any of the activities below that will require an individual permit from a State or federal agency do not meet the requirements of this MOU and are subject to an individual consistency review as per 6 AAC 50.

1. Placement of fill and construction of building pads, parking areas, storage areas, roads and drives which meet all of the following: fill is from a previously approved source; fill is not placed in an Area Meriting Special Attention (as defined in 6 AAC 80, Article 4); clean fill is utilized; fill is placed in upland areas or in wetlands authorized by a Corps of Engineers General Permit or Nationwide Permit (except Nationwide Permit 26); and total fill area is less than 5000 square feet.

2. Construction of buildings which meet all of the following: gross area is less than 500 square feet; total height is less than 30 feet; the building is normally unoccupied; and the building is built on a non-wetland area, existing fill, or on a new fill that meets the conditions of #1 above.

3. Construction of other facilities (e.g. navigation, communication, and lighting facilities, which include antennas, support structures, utilities, trenching, etc.) which meet all of the following: total height is less than 60 feet; maximum horizontal dimension is less than 300 feet; the facility is built on a non-wetland area, existing fill, or on a new fill that meets the conditions of #1 above.

4. Construction of fuel storage tanks which meet all of the following:

- a. Total aggregate capacity of 1000 gallons or less;
- b. Secondary containment¹ shall be provided for fuel storage;

¹Secondary containment means an impermeable diked area or portable impermeable containment structure capable of containing 110 percent (115% in the Aleutians West Coastal Resource Service Area [CRSA]) of the volume of the largest independent container (plus 12 inches freeboard in the Aleutians West CRSA and Kenai Peninsula Borough coastal districts). For purposes of this MOU, double-walled tanks qualify as secondary containment for volumes totalling less than 1,000 gallons.

c. All independent fuel containers² shall be marked with the contents and the permittee's or contractor's name using paint or a permanent label (Note: The permittee is ultimately responsible for contractor's compliance with these conditions.)

d. Secondary containment or a surface liner³ must be placed under all container or vehicle fuel tank inlet and outlet points, hose connections, and hose ends during fuel transfers. Appropriate spill response equipment must be on hand during any transfer or handling of fuel to respond to a spill of up to five gallons. Transfer operation shall be attended by trained personnel at all times. Vehicle refueling shall not occur within the annual floodplain or tidelands.

e. Containers with a total capacity larger than 55 gallons which contain fuel shall not be stored within 100 feet of a waterbody.

f. The Department of Environmental Conservation (DEC) shall be notified, by phone, of any unauthorized discharges of oil to water and any discharge of oil greater than 55 gallons solely to land and outside an impermeable revetment. If a discharge of oil is greater than 10 gallons but less than 55 gallons, it must be reported within 48 hours by phone or fax. If a discharge is less than 10 gallons, it may be reported in writing on a monthly basis. If an unauthorized discharge greater than 55 gallons is made to a secondary containment, it must be reported within 48 hours by phone or fax. The DEC oil spill report number is (800) 478-9300.

5. Maintenance, repair, and replacement of existing buildings, structures, facilities, and grounds. This also covers access if the access meets all of the following: less than fourteen days in duration; no permanent access structures (e.g. docks, ramps, etc.) are constructed; rubber-tired equipment is used; and methods are employed to minimize wildlife and habitat

²Containers means any item which is used to hold fuel. This includes tanks, drums, double-walled tanks, portable testing facilities, fuel tanks on small equipment such as light plants and generators, flow test holding tanks, slop oil tanks, bladders, and bags. Manifolded tanks must be considered as single independent containers. Vehicles, including mobile seismic tanks, are not intended to be included under this definition.

³Surface liner means any safe, non-permeable container (e.g. drip pans, fold-a-tanks, etc.) designed to catch and hold fluids for the purpose of preventing spills. Surface liners should be of adequate size and volume based on worst-case spill risk.

disturbance. In all instances, the Department of Natural Resources must be contacted to determine if a tidelands permit is required, in which case an individual consistency review is necessary and this MOU does not apply.

6. Development in the 100-year floodplain, as defined by the Federal Insurance Rate Map (FIRM) prepared for the Federal Emergency Management Agency, is contingent upon obtaining a Floodplain Development permit from the local municipal government administering the program.